

SAGE TELECOM, INC.
SECTION 64.2009(E) CERTIFICATION

I, Robert W. McCausland, a duly authorized officer of Sage Telecom, Inc., hereby certify on behalf of Sage Telecom, Inc. and its affiliates, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules of the Federal Communications Commission, codified at 47 C.F.R. Subpart U, implementing Section 222 of the Communications Act of 1934, as amended.

This Certification is effective from February 6, 2006 to February 6, 2007.



Robert W. McCausland
Vice President, Regulatory Affairs
Sage Telecom, Inc.
February 6, 2006

**STATEMENT REGARDING OPERATING PROCEDURES
IMPLEMENTING 47 C.F.R. SUBPART U
GOVERNING USE OF
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)
EFFECTIVE FEBRUARY 6, 2006**

The following statement explains how the operating procedures of Sage Telecom, Inc. and its affiliates ("Sage") ensure that it is in compliance with the Commission's CPNI rules, as codified at 47 C.F.R. Subpart U.

I. Use of customer proprietary network information without customer approval.

A. Sage may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from Sage without customer approval. Sage presently offers local and interexchange service to its customers.

(1) If a customer subscribes to Sage's local and interexchange services, Sage may share that customer's CPNI with its affiliated entities that provide a service offering to the customer.

(2) If a customer does not subscribe to more than one of Sage's offerings, Sage is not permitted to share CPNI with its affiliates, except as provided in § [64.2007(b)].

B. Sage may not use, disclose, or permit access to CPNI to market to customers any service offerings that are within a category of service to which the subscriber does not already subscribe from Sage, unless Sage has customer approval to do so, except as described in Section I.C.

(1) Sage may use, disclose, or permit access to CPNI, without customer approval, for the provision of CPE and information service(s). Sage may use, disclose or permit access to CPNI derived from their provision of local exchange service or interexchange service, without customer approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

(2) Sage may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. For example, Sage may not use local service CPNI to track all customers that call local service competitors.

C. Sage may use, disclose, or permit access to CPNI, without customer approval, as follows:

(1) Sage may use, disclose, or permit access to CPNI, in its provision of inside wiring installation, maintenance, and repair services.

(2) Sage may use CPNI to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

D. Sage may use, disclose, or permit access to CPNI to protect Sage's rights or property, or to protect its users and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, Sage services.

Amplification

Sage's written practices prohibit the sharing of CPNI between affiliates with the limited permissible exceptions.

Sage requires all of its employees to read such written practices, and requires an annual written acknowledgement.

Enforcement may include disciplinary action, up to and including termination, as described in Section IV below.

Sage does not use, disclose, or permit access to CPNI to market to customers any service offerings that are within a category of service to which the subscriber does not already subscribe absent customer approval.

II. Approval required for use of customer proprietary network information.

A. Sage may obtain customer approval through written, oral or electronic methods.

(1) Where Sage obtains oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's rules.

(2) A customer's approval or disapproval obtained by Sage to use, disclose, or permit access to the customer's CPNI for the use of CPNI outside of the customer's total service relationship with Sage, must remain in effect until the customer revokes or limits such approval or disapproval.

(3) Sage must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

B. Use of Opt-Out and Opt-In Approval Processes.

(1) Sage may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. Sage may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. Sage may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors shall be subject to the safeguards set forth in Section II.B(2).

(2) Joint Venture/Contractor Safeguards. If Sage discloses or provides access to CPNI to its joint venture partners or independent contractors, it shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:

- (i) Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;
- (ii) Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and
- (iii) Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

(3) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B(1), or as otherwise provided in section 222 of the Communications Act of 1934, as amended, Sage may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

Amplification

Prior to any use of CPNI that requires customer approval, Sage obtains such approval. When such approval is obtained orally, Sage retains electronically recorded documentation for a period of at least 120 days; however, Sage retains a written record that such approval has been obtained for at least one year.

Any independent contractor that Sage authorizes to receive CPNI must first execute confidentiality agreements that set forth the Commission's requirements to ensure protection of such information.

III. Notice required for use of customer proprietary network information.

A. Notification, Generally.

(1) Prior to any solicitation for customer approval, Sage must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) Sage must maintain records of notification, whether oral, written or electronic, for at least one year.

B. Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

C. Content of Notice.

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit Sage to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and Sage has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, Sage may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) Sage may state in the notification that the customer's approval to use CPNI may enhance Sage's ability to offer products and services tailored to the customer's needs. Sage also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) Sage may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from Sage is valid until the customer affirmatively revokes or limits such approval or denial.

(10) Sage's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

D. Notice Requirements Specific to Opt-Out.

Sage must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph F of this section). The contents of any such notification must comply with the requirements of paragraph C of this section.

(1) Sage must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. Sage may, in its discretion, provide for a longer period. Sage must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as Sage is using the opt-out mechanism, it must provide notices to its customers every two years.

(3) If Sage uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) Sage must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

(ii) Sage must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to Sage as undeliverable must be sent to the customer in another form before Sage may consider the customer to have received notice;

(iv) Sage must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) Sage must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Sage may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

E. Notice Requirements Specific to Opt-In.

Sage may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section.

F. Notice Requirements Specific to One-Time Use of CPNI.

(1) Sage may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether Sage uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that Sage may omit any of the following notice provisions if not relevant to the limited use for which Sage seeks CPNI:

(i) Sage need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) Sage need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) Sage need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as Sage explains to customers that the scope of the approval Sage seeks is limited to one-time use; and

(iv) Sage may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as Sage clearly communicates that the customer can deny access to his CPNI for the call.

Amplification

Prior to any use of CPNI for which customer approval is required, Sage obtains such approval. When such approval is obtained orally, Sage retains electronically recorded documentation for a period of at least 120 days; however, Sage retains a written record that such approval has been obtained for at least one year.

IV. Safeguards required for use of customer proprietary network information.

A. Sage must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

B. Sage must train its personnel as to when they are and are not authorized to use CPNI, and Sage must have an express disciplinary process in place.

C. Sage must maintain a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. Sage shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Sage shall retain the record for a minimum of one year.

D. Sage must establish a supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

E. Sage must have an officer, as an agent of Sage, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. Sage must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

F. Sage must provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include Sage Telecom, Inc.'s name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice must be submitted even if Sage offers other methods by which consumers may opt-out.

Amplification

Sage's policies and procedures, as set forth in its written practices outlining the use of customer proprietary network information, require that all of its employees read such written practices and sign an annual written acknowledgement. It is a violation of such written practices to disclose CPNI outside of Sage. Any employee that is found to have violated this policy will be subject to disciplinary action up to and including termination.

Access to CPNI is highly restricted and controlled through the use of active directory security and other measures. For example, special passwords are assigned on a limited approval-only basis. Vice President approval is required for such access. Passwords are changed

periodically. Also, strict controls are in place involving responses to law enforcement agencies that serve Sage with valid legal demands (i.e., court-ordered subpoenas) for CPNI; Sage will not supply CPNI to any law enforcement agency that does not produce a valid legal demand. Further, encryption and other security practices are utilized when CPNI is transmitted electronically.

To confirm compliance with 47 CFR 64.2009, Sage's operating procedures pertaining to CPNI are reviewed annually by the Regulatory Affairs Department and certified by an officer of the company that has personal knowledge of these procedures.